MINUTES OF THE

CITY OF SANTA FE

FINANCE COMMITTEE MEETING

<u>and</u>

STUDY SESSION

Santa Fe, New Mexico

July 21, 2003

STUDY SESSION

A study session of the City of Santa Fe Finance Committee commenced on this date at approximately 4:15 p.m. in City Hall Council Chambers. A quorum of the Governing Body was present, as follows:

Members Present:

Councilor Carol Robertson Lopez [late arrival] Councilor Miguel M. Chavez Councilor Karen Heldmeyer, Acting Chair Councilor Rebecca Wurzburger

Members Excused:

Councilor Matthew E. Ortiz

Other Governing Body Members Present:

Councilor Patti J. Bushee Councilor David Coss Councilor David Pfeffer

Staff Present:

Ms. Kathryn Raveling, Finance & Budget Division Ms. Laura Vigil, Finance & Budget Division

IMPACT FEES PRESENTATION:

Planning Division director Reed Liming noted that this draft proposal has taken over a year to develop through the 14-member Capital Improvements Advisory Committee, as required by state law. He said the law also requires that

at least 40% of the membership be from the real estate, development and construction industry.

Mr. Liming stated that, with that in mind, the City now has a draft capital improvements plan — also required by state law as the basis for establishing new impact fees.

Clancy Mullen of the consulting firm Duncan Associates (Austin, TX), stated that he has been with the firm for 13 years, and the firm has done impact fees in about 200 different studies for 50+ client communities in 19 states, including several in New Mexico (Albuquerque and Bernalillo County, Rio Rancho and Las Cruces).

Mr. Mullen gave a power point presentation. [Slides were in the Committee packet for reference.]

Mr. Mullen reviewed, as part of his presentation, a chart on "Average Cost Per Lane Mile, 2002-2010." He said that, in consultation with staff, he picked out road projects that looked like they would most likely be constructed within this eight-year time window, and calculated that a lane mile would cost \$2.5 million.

Mr. Mullen conceded that this was a very high cost, but noted that the first three projects on the list were: 1) Cerrillos Road/Airport to St. Francis; 2) US 84-285, NM 599 to 5-mile boundary; and 3) South St. Francis Drive, San Mateo to I-25. He said they therefore based the impact fees on the cost of the other projects on the list, which are mostly new two-lane roads.

Mr. Mullen said the first project, Cerrillos Road, is not actually adding a lane but rather involves lanes at intersections. He stated that they included it on the list primarily because it is a very significant project and adds capacity to the road system, so was treated as though it added one lane based on all of the intersection improvements.

Mr. Mullen stated that the Net Cost per Vehicle Mile was calculated based on the Transportation Improvement Program and eight years of projected funding that the City was likely to get for its roadway network from federal and state sources.

Councilor Heldmeyer commented that these figures were probably on the optimistic side given the economy and given what the state and federal governments are doing.

Mr. Mullen said it would be possible to go back and look historically at what the City has gotten, but added that these figures were conservative.

Mr. Mullen added that, on park impact fees, they look at existing facilities and divide by housing units, etc. He said this is not typically not done on roads, but is possible to do. He stated that his report suggests that a modified consumption-based system essentially does that, so they are being conservative there, too, because they are doing the straight consumption base. He noted that, within the urban area, the major road system has about 1.38 units of capacity for each vehicle mile of travel. He said they are just charging on a 1:1 to basis, so they are being conservative there as well.

In reviewing Daily Vehicle Miles per Unit, and Net Cost per Single Family Unit, Mr. Mullen said the vehicles of traffic generated by any land use involve three factors: trip generation rate; how many of those trips really apply to commercial, e.g., were they new trips or just stopping by; and average trip length. He said daily vehicle miles for a single-family unit come to 17.69.

Councilor Wurzburger asked Mr. Mullen if this is a national average or are these local figures.

Mr. Mullen responded that they calculated the trip generation rate based on Santa Fe's household size, although they did not actually do an inventory. He said that, on the major roadway system, they did an inventory of all of the local roadways and land uses to determine how many trips are being generated.

Councilor Wurzburger asked Mr. Mullen how they arrived at commercial impact fees, and particularly for a medical office building, where there is a "huge, huge increase."

Mr. Mullen responded that, according to the ITA manual, "the bible of the transportation engineering profession," a medical office will generate about 36 trips a day — somewhat lower than retail, but with retail there is more pass-by trips and the trip lengths for smaller retail use are shorter. He added that an applicant for a medical office building project in Santa Fe might be able to demonstrate otherwise, though, and get a reduction in fee.

This concluded questioning from the Committee members.

Public Comment

Bill Chapman, 1083 Sunshine Way

Mr. Chapman stated that the Development Fees Act says a rational nexus should be used, and "that the fee paid should benefit the person paying the fee or should be caused by the person paying the fee." He said it would be a "hard rational nexus" to suggest that a person living on Cerro Gordo Road is benefiting

from a traffic signal on Airport Road or caused the need for it. He stated that he therefore preferred the idea of four or five districts, which is how most other cities do it, rather than having one urban area.

Mr. Chapman questioned how new homebuyers could be the only people causing the need for capital improvements. He said this would mean that everybody with children in Santa Fe was not causing any needs, yet more children drive nowadays than they did 50 years ago, and 50 years ago most kids did not have their own car. He stated that most 16 year olds in Santa Fe have their own car now, and they are causing the need for roads.

Mr. Chapman pointed out that the tremendous amount of growth in Santa Fe County is also a part of this. He said he coaches a soccer team at the MRC, and 80% of the kids there live outside of city limits. He asked why all of the new homebuyers who live in the city should have to pay for all new road development, new parks, new traffic signals, etc.

Beverly Chapman, President of Santa Fe Association of Realtors

Ms. Chapman stated that the Association "would like to work with you in a realistic reevaluation of the City's impact fees on new development. We feel that just a blanket 300% increase or more is not fair, and we oppose this. The increase is too dramatic.... We do not oppose looking at a logical solution to the problem.

"Proponents of this proposal argue that it exempts affordable housing from the effects of this increase. This is not completely accurate; in fact, this fee will limit an already-diminished pool of buyers who have the ability to move upward in their housing choice. Without upward movement in the market, those now occupying affordable housing are frozen in their relative position, and the supply of affordable housing will therefore remain stagnant or limited."

Ms. Chapman stated that middle income working families would be shut out of the market by the impact fees and toilet retrofit program. She said they would not be able to move up or to another home: "The only ones that are going to be able to afford this is the higher income people."

Pilar Faulkner, Tierra Contenta

Ms. Faulkner stated that the City has not had the money to complete many parks and do maintenance on the streets in Tierra Contenta; for that reason, she supported the impact fees.

Ms. Faulkner stated that, in the long term, impact fees could pay for libraries and schools.

Patrick Thomas, Chair, Govt Affairs Committee, SF Assn of Realtors

- Mr. Thomas said, "We oppose the 300% increase in impact fees. We would like to work with you in having a realistic look at these fees... This needs to be revisited."
- Mr. Thomas stated that his organization is very concerned about the impact this will have on affordable housing and its potential for widening the gap between very affluent families and first time homebuyers.
- Mr. Thomas pointed out that the construction industry and real estate industry industries that benefit the local economy will be negatively affected, and the families of tile workers, framers, roofers, etc. will suffer.

Fred Flatt, Las Acequias

Mr. Flatt pointed out that the Southwest side, where he lives, "are the ones that are suffering from the lack of foresight of past Councils to get the impact fees up where they should be. Maybe 300% is too high; maybe this should be negotiated somehow. But perhaps the developers and the real estate people should apply a little bit of their muscle on the County to make them come along with impact fees, too, so it just doesn't rest on the City's shoulders."

Mr. Flatt commented that the confusing patchwork design of the Southside has made it difficult for law enforcement officers in the City and County to figure out where their jurisdiction is. He said there are only two parks on the Southwest side, one in Tierra Contenta and the other in Las Acequias, yet most children in Santa Fe live on this side of town.

Gary Ehlert, Santa Fe Area Home Builders, Luisa St. resident

Mr. Ehlert stated that attorney Karl Sommer, a member of this organization, "has several legal concerns with the contents of the proposed ordinance. We have several questions about whether affordable housing is really exempt. Presold houses that are not permitted yet would put an undue burden on the sale of those houses back to the developer or the homebuilder, probably not retrievable by the sale, and making sure that the impact fees, hopefully as negotiated, will be pretty much dispersed evenly with homebuyers across the board, some sort of a process where this would be put into effect over a small period of time."

Mr. Ehlert said his association and its membership of 730 firms "stands willing to work to come to some common ground. I don't particularly like to national averages *et cetera* — this is a community endemic unto itself and certainly the County is an integral part of those concerns."

Robert Lockwood, Pueblo Bonito

Mr. Lockwood said, "National averages don't seem to work very well for Santa Fe."

Mr. Lockwood expressed concern about the fees for medical office buildings, because there is already "a medical crisis here" because of increasing insurance premiums. He predicted that people would instead build outside the city limits or would build within the city and pass on the fees to the doctors, who would pass them on to the patients.

Marty Gerber, 4154 Midnight Owl

Mr. Gerber said he was a developer, and, while he agreed there should be some kind of impact fees increase, "if we increase them and we can't develop, you're going to get less people moving here." He pointed out that people have refused to buy homes from him because of costs to retrofit toilets, which comes out to \$300 per toilet "and increases our minimum home by over \$3,000, which we have to pass on to the buyer."

Mr. Gerber questioned Mr. Mullen's calculations on per-lane-mile costs for highways between 2003 and 2010. He pointed out that costs would increase during that window of time, and asked for clarification.

Denise Del Valle, 503 Agua Fria Street

Ms. Del Valle said she supported Beverly Chapman's remarks. She stated that she has lived in Santa Fe all her life; and while impact fees have to be looked at, "Santa Fe is the City Different...so we really have to pay attention to what we're doing and whom we're charging for these. Let's spread it out and make it work for everyone, not just the new homebuyers."

Sean Marcus, 1019 Don Diego, Govt Affairs, SF Assn of Realtors

Mr. Marcus stated that, while the ordinance would exempt affordable housing, "it will really lock people into place and freeze the upward movement." He asked that the real estate and construction industry "sit down with you and work with you towards reasonable and fair impact fees in Santa Fe."

[Conclusion of public comments.]

At Councilor Wurzburger's request, Mr. Liming reviewed a Current & Proposed Fees Summary (page 53 in committee packet). The summary, breaking out five fee categories in three proposed fee scenarios, was based on a home of 2,000 square feet (heated living area).

Mr. Liming noted that, prior to the retrofit provisions, fees would have been around \$3,700 for a new home based on current impact fees and current water UEC. He said the retrofit provisions add another \$2,900 — i.e., 10 toilet retrofits on a 2,000 square foot home, plus \$40 administrative fee (or \$400 for the ten toilets), plus \$250 per toilet retrofit. He stated that wastewater hookup fees, building permit fees, and plan review fee would bring that to \$9,500.

Councilor Wurzburger commented that a 2,000 square foot home is a modest home. She noted that a typical home in the affordable housing category is 1,200 to 1,500 square feet.

Addressing median price, Councilor Wurzburger asked Mr. Liming how much is being added; for instance, does this mean that \$9,500 is being added to a house typically costing \$250,000.

Mr. Liming responded that \$250,000 is close to the median price according to figures submitted by the Santa Fe Association of Realtors. He added, though, that the fees depend on what kind of mix is involved in the area being built in. He pointed out that the majority of newer homes in places like Nava Adé and Tierra Contenta may be closer to \$200,000 to \$210,000.

Councilor Wurzburger said more research should be done. She commented that, if this is tied to down payments, \$9,000 is not a small figure for most Santa Feans trying to move into a 2,000 square foot home.

Councilor Wurzburger asked why there were three proposed fee schedules instead of one:

1) Why there are no impact fees for building permits for lots in subdivisions receiving final plat approval prior to April 1, 1991; in other words, is the City

saying they have no effect? "Just because the lot was created prior to 1991, why do we propose as a policy that those people be treated differently because, once built, they certainly will have an effect."

- 2) Why building permits for lots in subdivisions with final plat approval in 1999-2003 will pay current impact fees for four years from the date of final approval; and
- 3) Why building permits for lots in subdivisions with final plat approval between 1991 and 1999, as well as all subdivisions given final plat approval after adoption, will pay new fees.

Referring to the first item, Mr. Liming first clarified that the City does not currently charge impact fees and hasn't for 12 years on lots in subdivisions that were platted prior to the original impact fee ordinance. He commented that subdivisions created prior to 1991 are probably built out or are close to that, and the infrastructure is already there; and furthermore, this might be a way of encouraging infill.

Councilor Wurzburger asked how many lots that might involve, and Mr. Liming responded that there are about 250-260 vacant lots in subdivisions created prior to 1991; about 500 lots in subdivisions approved between 1991 and 1999 and would be paying the new fees because their four-year period has run out; and since 1999, subdivisions or development plans approved and still on the four-year track number 800-900, so they would still be paying the current impact fees even after the ordinance is adopted. He said this is consistent with state law, which gives someone four years from final approval.

Councilor Wurzburger stated that, as she understood discussion with staff earlier today, there was no reason why the City couldn't treat all three groups the same with one policy, if the City chose to go with the policy of four years forward.

Mr. Liming responded that the Council could choose to go four years out from the adoption of the ordinance, i.e., give four years to everyone who has been approved up to the date of adoption.

Councilor Wurzburger asked if there was any legal reason why the City couldn't decide to define "affordability" more broadly than is defined in the HOP program, etc., by creating different steps from the existing ones.

Mr. Liming responded that he, Assistant City Attorney Anne Lovely and Mr. Mullen reviewed the State Act earlier today and noted that the Act states that affordable housing may be exempted, but also defines affordable housing as 80% of the median income.

Mr. Mullen added that this was correct. He said the definition existed in the Act prior to the recent amendment creating the affordable housing waiver, i.e., "at or below 80% of the area median income and will pay no more than 30% of their gross monthly income toward such housing."

Mr. Mullen stated that there is another provision in the Act saying that the City can pay impact fees on behalf of a development if they want to encourage affordable housing, or for an industry that wants to locate here. He said the City cannot waive the fees, but can come up with another funding source to subsidize their impact fees. He stated that this keeps the impact fee fund whole and keeps other impact fee payers from being shortchanged by such a decision.

Councilor Chavez stated that, while the retrofit ordinance has added to building costs, it is essentially a conservation measure falling under the City Water Budget and is not really an impact fee.

Councilor Chavez asked Mr. Liming if these impact fees could be phased in over two or three years.

Mr. Liming responded that one way is to go across the board on the fees and lop off a percentage.

Mr. Liming said the State Act was written so there would be some phasing — for instance, someone receiving subdivision plat approval last year would stay on the existing fee schedule for another three years regardless of when the ordinance is adopted, so it is not as though everyone will be paying these impact fees the next day.

Mr. Liming said another possible approach is to say that, if people need more time to come in for a building permit, the new fee schedule can kick in on a certain date.

Mr. Liming added that he did have some concern about how difficult it would be for the City to administratively deal with having the fees phased in.

Responding to questioning from Councilor Bushee, Mr. Mullen said the City could choose to divide into "benefit districts," which means that money collected in that area is spent in that area. He said the service area that the land use assumptions were based on and that the impact fees were calculated on wouldn't have to change — in other words, "it's not like we'd have to go back and start over."

Councilor Bushee said that seemed like a reasonable way to address concerns that the impact fee proceeds won't be spent in the areas where they are most needed, etc.

Mr. Liming noted that grouped Council Districts 1 and 2 and Council Districts 3 and 4 into two subgroups of the urban area, and then calculated capital improvement expenditures in those two groups. He said staff expects 81% of the growth and 84% of capital improvement costs to go into Districts 3 and 4.

Mr. Liming continued, "So there's already a rough proportionality between where we expect the growth and where we expect to receive impact fees and where we anticipate spending the money." He said he would hesitate to get into too many benefit districts, "but you could draw some lines and simply say: impact fee revenues collected in this area will be spent in this area."

Councilor Bushee asked Mr. Mullen and Mr. Liming to work on such language so it could be incorporated as an amendment to the ordinance.

Addressing Bill Chapman's remarks, Councilor Bushee said she would welcome having members of the Capital Improvements Advisory Committee review the impact fees for the last year or so and offer input. She stated that at least 50% of the makeup of the committee was from the "development community." She expressed disappointment that the County representation on the CIAC did not result in any efforts by the County to impose its own impact fees.

Councilor Bushee said she was disappointed to hear retrofit fees being lumped in with impact fees, since they were separate issues. She suggested that the retrofit ordinance be reviewed.

[Councilor Lopez joined the proceedings.]

Councilor Wurzburger asked what the rationale was for the difference proportionally between, for instance, zero to 1,500 square feet and those at the higher end. She asked if it was based on national figures, or was there some "magic" to the schedule of \$29 up to \$98. She asked if it could be \$4 up to \$200, for example. She wondered if there was flexibility to look at a steeper step.

Mr. Mullen responded that size categories could certainly be changed.

Councilor Wurzburger said she would work with Mr. Liming, since she was very concerned about the bottom end. She commented that \$3,000 for someone at the low end does not have the same effect as moving from \$5,000 to \$7,000 for someone contemplating a 4,000 square foot house.

In discussion on lane mile calculations, Councilor Pfeffer asked Mr. Mullen if the law prohibits the City from including costs for roads that do not add lanes, and Mr. Mullen responded that it does not. He explained that the money must be spent on capacity-expanding improvements. He added, though, for the purpose of calculating the fee, they need a way of coming up with a cost per unit of capacity, which they do by coming up with a cost to add a lane mile, and then they look at the typical capacity of the lane.

Councilor Pfeffer commented that the way in which this data is presented "pre-selects for us an allocation of maybe 60-70% of at least this portion of potential impact fees to existing residents to existing growth that is not assignable to new homes. We don't necessarily have to do that, but it appears as if that's a significant chunk because it would be another \$1,100 or so if we included those big three [road projects], as opposed to \$1,400. It would be \$2,500 on just the roads portion.

"We don't have to do that, but it seems to me that there is a recognition as this data is submitted to us, that at least in this portion a step has been taken. So we can look at this and say, okay, is that sufficient enough of a percentage drop if we view these fees as too high. From my perspective, the reality of what it costs us to provide these roads and other services has to be faced."

Responding to questioning from Councilor Chavez, City planner Jeanne Price stated the City's definition of an affordable subdivision involves two things: one is a low priced dwelling unit, which is where the City usually exempts the fee, and that serves a household earning at or below 80% of median income; the other, a Type A development, is where 70% of the units serve incomes below 80% of median income, and the other 30% are market rate.

Ms. Price stated that the State Act refers to "any housing development built to benefit those whose income is at or below 80% of the area median income."

Councilor Chavez asked Ms. Price if, were the City to exempt affordable housing (either low priced units or Type A subdivisions), if then they could theoretically be exempt from most of the impact fees.

Ms. Price said that was correct. She stated that the existing ordinance, amended just recently, went to a "low priced dwelling unit" but not a Type A development.

Chair Lopez worried that, if this bill goes through in its current form, no one will ever want to be annexed into the city.

This discussion was continued into another study session of the Finance Committee, beginning at 4:00 p.m. on Monday, August 4.

[Study Session concluded at 5:45 p.m.]

REGULAR MEETING

A regular meeting of the City of Santa Fe Finance Committee was called to order on this date at approximately 5:45 p.m. in City Hall Council Chambers. Roll Call indicated the presence of a quorum, as follows:

Members Present:

Councilor Carol Robertson Lopez, Chair Councilor Miguel M. Chavez Councilor Karen Heldmeyer Councilor Rebecca Wurzburger

Members Excused:

Councilor Matthew E. Ortiz

Other Governing Body Members Present:

Councilor David Pfeffer

Staff Present:

Ms. Kathryn Raveling, Finance & Budget Division Ms. Laura Vigil, Finance & Budget Division

APPROVAL OF AGENDA

Ms. Raveling stated that Item 34A, requesting approval to publish notice of public hearing on August 13 for a water conservation voucher program, should be changed to reflect a public hearing date of August 25.

Councilor Heldmeyer moved approval of the Agenda, as amended. Councilor Chavez seconded the motion, which passed 2-0 by voice vote. [Not present for this action: Councilor Wurzburger.]

APPROVAL OF CONSENT AGENDA

Upon motion by Councilor Chavez, seconded by Councilor Heldmeyer, the following Consent Agenda, as amended, was approved 2-0 by voice vote. [Not present for this action: Councilor Wurzburger.]

7. Bid Openings:

a) Bid No. 03/537/B — Polyelectrolyte for Wastewater Division; Polydyne Incorporated.

- b) Bid No. 03/64/B — Exercise Equipment for Fire Department:
 - 1. Push Pedal Pull
 - 2. The Fitness Superstore
- c) [Removed by Councilor Heldmeyer for discussion.]
- 8. Request for Approval of Grant Application — ArtWorks Program; National Endowment for the Arts.
 - Α. Request for Approval of Budget Increase — Grant Fund.
- 9. Request for Approval of Grant Award — ArtWorks Program.
 - Santa Fe Public Schools Professional Development Funds. A.
 - The Boeckman Family Foundation. B.
 - 1. Request Approval of Budget Increase Grant Fund.
- Request for Approval of Grant Award ArtWorks Program; Witter Bynner Foundation for Poetry.
 - Α. Request for Approval of Budget Increase — Grant Fund.
- Request for Approval of Professional Services Agreement Advertising and Sponsorship Sales for GCCC (RFP No. 03/25/P); Promotion Dynamics International.
- Request for Approval to Convert Two (2) Positions to Four (4) Part-time Positions and Related Budget Adjustments — GCCC.
- Request for Approval of Professional Services Agreement Filter Rehabilitation Construction Management Services (RFP 03/30/P) — Weaver General Construction.
- Request for Approval of Professional Services Agreement Filter Rehabilitation Engineering Services (RFP No. 03/31/P) Greeley and Hansen, LLC.
- Request for Approval of Sole Source Procurement and Amendment No. 1 to Professional Services Agreement — Repair and Test Large Water Meters; Great Southwest Meters.
- 16. Request for Approval of Grant Award State Grant-in-aid to Public Libraries; New Mexico State University Library.
 - Request for Approval of Budget Increase Grant Fund. Α.

- 17. Request for Approval of Sole Source Procurement and Amendment No. 3 to Professional Services Agreement — Water Rights Transfer Monitoring Project: See Wilson and Associates. [Note: This item was later removed for discussion and approved.]
- 18. Request for Approval of Grant Agreement Juvenile Accountability Services; New Mexico Children, Youth and Families Department.
 - Request for Approval of Budget Increase Grant Fund.
- 19. Request for Approval of Professional Services Agreement Visitor/ Advertising Services for Convention and Visitors Bureau; The Lensic Performing Arts Center.
- Request for Approval of Grant Award Equipment and Data Entry Clerk; Administrative Office of the Courts.
 - A. Request for Approval of Budget Increase — Grant Fund.
- 21. [Removed by Councilor Heldmeyer for discussion.]
- 22. [Removed by Councilor Heldmeyer for discussion.]
- 23. Request for Approval of 2003 CDBG Agreements Action Plan and Agreements; U.S. Department of Housing and Urban Development (HUD).
 - Α. Neighborhood Housing Services of Santa Fe.
 - B. [Removed by Councilor Heldmeyer for discussion.]
 - Santa Fe Habitat for Humanity. C.
 - Recovery of Alcoholics Program. D.
 - E. Santa Fe Business Incubator.
 - F. La Familia Medical Center.
 - G. Santa Fe Teen Center/Warehouse
 - [Removed by Councilor Heldmeyer for discussion.]
- 24. Request for Approval of Renewal of Insurance Programs.
 - A. Dental Insurance — Mutual of Omaha
 - Third Party Administrator Wausau Benefits.
- Request for Approval of Amendment No. 5 to Professional Services Agreement — Construction Engineering and Construction Management Services for Governor Miles Road Extension Program; Smith Engineering Company.
- 26. Request for Approval of Land Lease Agreement Southwest End of Airport Airfield; U.S. Department of the Interior Bureau of Land Management.

- 27. Request for Approval of Lease Agreement Airport Terminal Building and Control Tower and Utility Building; U.S. Department of Transportation Federal Aviation Administration.
- 28. Request for Approval of Professional Services Agreement Engineering and Architecture Services and Infrastructure Construction for the Plaza and Alameda on the Railyard; Santa Fe Railyard Community Corporation.
- 29. Request for Approval of Professional Services Agreement Interim CIP Loan for Engineering Services; Santa Fe Railyard Community Corp.

APPROVAL OF MINUTES: June 30, 2003

Upon motion by Councilor Heldmeyer, seconded by Councilor Chavez, the minutes of the June 30 meeting were approved, as submitted, 2-0 by voice vote. [Not present during this action: Councilor Wurzburger.]

DISCUSSION AGENDA

Bid Openings:

c. Bid No. 03/65/B — Portable Restrooms for Parks and Recreation <u>Department; Medina Pre Cast and Portable Toilet Service.</u>

Councilor Heldmeyer asked Parks & Recreation staff member Randy Thompson if this bid included servicing, and Mr. Thompson said that was correct.

Councilor Heldmeyer said the complaints she receives about portable toilets are not about who the provider is, but how well they are serviced. She commented that this bid apparently doesn't address quality of service, and asked what Parks & Recreation will do to monitor that.

Mr. Thompson responded that the Parks Supervisor would be able to check on these portables during their normal rounds and could call the provider if the condition was not satisfactory.

Councilor Heldmeyer asked if the City would have the ability to cancel this contract "if at some point the bad outweighs the good?"

Ms. Raveling responded that, while this wasn't specifically in the bid, she thought language to that effect could easily be added to the contract.

Chair Lopez suggested that the matter be tabled until this possibility could be investigated, and Ms. Raveling explained that she would prefer that this matter move forward with that contingency because the contract is currently on a month-to-month basis.

Chair Lopez recommended that the contract continue on a month-to-month basis for another month so that staff can return to the Committee with language requiring some kind of inspection or performance base in the contract.

Councilor Heldmeyer so moved. Councilor Wurzburger seconded the motion, which passed 3-0 by voice vote.

Request for Approval of Sole Source Procurement — Voice and Data Telecommunications Services; Qwest Communications.

Councilor Heldmeyer noted that the memorandum from Network Operations manager Thomas Williams stated that funding would be charged primarily to a couple of different business units, but that "other business units may be used as services are added throughout the fiscal year." She said she thought every business unit paid for their own telecommunications needs.

Mr. Williams explained that all of the General Fund departments would get the funding for those circuits out of the ITT Fund, and the only other enterprise fund that ITT utilizes is the Water Division. He said those are the two business units referred to in his memorandum.

Councilor Heldmeyer asked if it was covered for the other departments as part of their overall overhead costs, and Mr. Williams said that was correct.

Councilor Heldmeyer suggested that staff think about that "the next time around — because if different departments have very variable telecommunications needs, and specifically some seem to be more cell phone happy than others, maybe we should reward departments that are keeping down their telecommunications costs."

Councilor Heldmeyer moved for approval. Councilor Chavez seconded the motion.

Councilor Pfeffer asked Ms. Raveling to see that staff henceforth identifies business units and line items (beyond just listing their numbers) so Councilors know what they are.

The motion passed 3-0 by voice vote.

Request for Approval of Procurement Under State/Federal Price Agreements — Hardware, Software and Services Support:

A. ABBA Tech. L. Gateway

B. Analytical M. Hewlett-Packard-Compaq

C. Aquila Technologies Group N. IBM Corp.
D. ASAP Software O. Integrity

E. Avaya P. MCI WorldCom

F. Computer Corner Q. Motorola

G. Dell R. Network Architects

H. DLT Solutions. S. RESPEC

I. Document Solutions, Inc. T. Solutions Integrators

J. HEI U. Software House Int'l

K. REALTIMESITES V. T.I.G.

W. Verizon Wireless

Councilor Heldmeyer noted that the memorandum from Network Operations manager Thomas Williams stated that ITT buys a lot of hardware/software support services that often exceed \$25,000, and requested approval to purchase these items from the above-named vendors. She asked Mr. Williams if this was essentially asking for a blank check.

Mr. Williams explained that this saves ITT a lot of time, given the number of procurements it has to make throughout the year for all City departments. He said the contracts being requested for approval today have already been approved at the State level. He added that ITT included a whole array of vendors on this list so that they would have the opportunity to look at all of them.

Councilor Heldmeyer moved for approval with the proviso that the Finance Committee receives an annual report on where the money is going in ITT. Councilor Chavez seconded the motion.

Chair Lopez said she wanted to be sure that, in the event that hardware, software or support services were available from more than one vendor on the list, ITT would seek competitive pricing. She stated that, if three or four vendors offer the same thing, she would like ITT to get competition among them to make sure ITT gets the best price.

Mr. Williams assured Chair Lopez that ITT consistently does that.

Ms. Raveling asked if the Committee wanted a certain dollar amount, and Chair Lopez suggested that \$1,500 be the cut-off amount.

Mr. Williams asked if discretion was possible in certain instances, since a single PC order for three computers could be about \$1,500, and the process of seeking quotes could become very cumbersome.

Chair Lopez reiterated that she would expect ITT staff to get different quotes when more than one vendor offers a particular item. She said the problem with these contracts is that they essentially give ITT a blank check without requiring ITT to get competitive guotes as it normally does.

The motion passed 3-0 by voice vote.

RECONSIDERATION OF CONSENT CALENDAR

Councilor Wurzburger, who had not been present during the vote to approve the Consent Agenda, asked that the Committee allow her to address Item 17.

Councilor Wurzburger moved to reconsider approval of the Consent Agenda. Councilor Heldmeyer seconded the motion, which passed 3-0 by voice vote.

Councilor Wurzburger moved to approve the Consent Agenda, as previously amended, and also with the exception of Item 17. Councilor Heldmeyer seconded the motion, which passed 3-0 by voice vote.

Request for Approval of Sole Source Procurement and Amendment No. 3 to Professional Services Agreement — Water Rights Transfer Monitoring Project; Lee Wilson and Associates.

Councilor Heldmeyer moved for approval. Councilor Chavez seconded the motion.

Councilor Wurzburger stated that the Public Works Committee Action Sheet reflects that she was not present during the vote on this item, when in fact she had been present throughout the discussion and vote.

Chair Lopez asked Ms. Raveling to note this correction.

The motion passed 3-0 by voice vote.

Request for Approval of 2003 CDBG Agreements — Action Plan and Agreements; U.S. Department of Housing and Urban Development (HUD).

B. Santa Fe Community Housing Trust

Councilor Heldmeyer noted that part of this involves the duties of the Community Housing Trust for the Housing Opportunity Program, and it specifically states that, upon receipt of the appraisal, the contractor will prepare a HOP buyer's information statement. She said the language also discusses a purchase agreement and closing documents.

Councilor Heldmeyer said there were some people who had a problem with that, and there was a lot of discussion and then direction from City staff. She stated that she wanted to be sure the problem was resolved so the next group of people who go through the HOP program will not have to go through the same difficulties as the last group.

Community Development planner Frank Romero responded that the issues have been resolved, and the individuals have closed on the units and are now living in them.

Councilor Heldmeyer said she was glad about that. She said her concern has been with the process in terms of the paperwork potential buyers get and the answers to their individual questions.

Community Housing Trust director Sharron Welsh said she thought the key problem was that the purchase contract was signed very early and without specific knowledge of what the HOP price would be at the time they were ready to close. She stated that this change has been made in the process so the client doesn't sign until they know the HOP lien amount and HOP adjusted price.

Councilor Heldmeyer moved for approval. Councilor Wurzburger seconded the motion, which passed 3-0 by voice vote.

H. Catherine Center

Councilor Heldmeyer noted that the Catherine Center is described alternately as "the Catherine Center" and "the Catherine School." She recalled the initial thrust of the Catherine Center proposal, but now it seemed as though they were moving in a different direction to a more school-based structure. She wondered if it was appropriate for the City to be providing money for what is essentially planning for the

startup of a school, or should that more appropriately be coming from the School Board.

Mr. Romero responded that, when this organization approached his office regarding the availability of CDBG funds, "we were also concerned that it should have been something initiated by the School Board; however, funding not being available, they approached our office seeking seed money for the development of the capacity of the organization to leverage CDBG funds to get additional funds to purchase the site at the former St. Kate's. At that time, the St. Kate's property was taken off the market, and there was the idea that another site would be considered.

"Since then, the St. Kate's property has become available again, and they are requesting proposals from developers to have the school available for nonprofits to provide school-type services. We've asked the Catherine Center to get a resolution from the Santa Fe School Board that would indicate that the project would be supported by the school if at such time the property became available for that purpose. So staff negotiated an agreement with the organization that they should develop a business plan to assure us that the project was feasible; and so this money, which is for planning and capacity-building, is intended to assist them to get into the property to develop an alternative school for kids between the ages of 11 and 15 that are at risk."

Councilor Heldmeyer said she supported the idea behind this, but was concerned that this planning money would result in future requests from the organization for additional support monies. She commented that the City should not take over and fund schools in their entirety — although it certainly funds programs within schools, "I think somewhere the line has to be drawn."

Councilor Heldmeyer said she could "live with this" if this was indeed seed money, "so that they will go back to the School Board and talk to the School Board about starting a school, perhaps a charter school of this kind.... But I want to put the Catherine Center on notice that this is not the first step in the City getting into yet another area that perhaps is not one that we're supposed to."

Councilor Heldmeyer moved for approval. Councilor Wurzburger seconded the motion.

Mr. Romero pointed out that the monies for this program would come from 2002 CDBG funds that were originally made available to the Santa Fe Education and Apprenticeship Network, which is now defunct.

The motion passed 3-0 by voice vote.

PUBLIC HEARING:

Request Approval to Publish Notice of a Public Hearing on August 25, 2003, for Consideration of an Ordinance Ratifying a Lease of Approximately 4.9 Acres of Land Owned by the City of Santa Fe and Located at the Santa Fe Municipal Airport, to New Mexico Life Rescue, LLC.

Airport Manager Jim Montman reviewed the details of the lease.

Mr. Montman reported that noise terms have been added to the Lease Agreement, requiring participation in the voluntary noise abatement program, and also requiring development of visual flight routes that would reduce noise in noise-sensitive areas.

Mr. Montman stated that the requested waiver of 2% of the gross receipts fee for the air medical portion of the lease was denied by the Public Works Committee, and that portion has been rewritten accordingly.

Mr. Montman said FBO owners and local pilots have been invited to today's hearing.

Mr. Montman stated that the question of FAA altitude restrictions for helicopters has come up many times. He said Part 91 of the Federal Aviation regulations establishes minimum altitudes for all aircraft, which is 1,000 feet in congested areas above the nearest obstacle within a 2,000 foot radius, 500 feet over non-congested areas, and in sparsely populated areas they can come down to ground level provided they are no closer than 500 feet to any structure or individual.

Mr. Montman stated that fleet size has been questioned. He said New Mexico Life Rescue has one helicopter now, and would like to add a backup helicopter and possibly a third that would not be operated out of the Santa Fe area, although it would be brought here occasionally for maintenance.

Mr. Montman said NMLR would also like to start one conventional air ambulance airplane (fixed wing), so there would be three aircraft involved as part of their air medical operation. He said they might start using one charter aircraft, as well, so the total number of aircraft used by NMLR would be four in Santa Fe. He added that there is always the potential for an individual, as part of the FBO, buying his own personal private aircraft, so even if the number increases to five, that would be about 3.8% of the total aircraft mix that is already at the airport.

The floor was opened to public comment.

No one indicated a wish to come forward to address the Committee.

Will Ashcroft, president of NM Life Rescue, stated that he agreed to all of the terms and conditions.

Responding to questioning from Councilor Wurzburger, Mr. Ashcroft stated that the number of flights to and from the hospital would not change, because the aircraft they are bringing in will be based at the airport.

Councilor Chavez said he understood that part of the reason why the Council is being asked to consider this FBO lease is to help the company recoup costs in relocating out to the airport. He commented rhetorically that he did not think that was the reason for the Council's existence.

Responding to other questioning from Councilor Chavez, Mr. Montman stated that the 4.9 acres for this lease could increase or decrease when the final survey was completed, but by no more than 1/10th of an acre. He also stated that there was no place this FBO could expand because there is no available property around them with which to do that. He said there are much larger parcels on other parts of the airport that could be developed, but there is no access to them.

Councilor Chavez noted that this 4.9 acre piece has already been identified in the Airport Master Plan as an FBO site.

Mr. Montman clarified that it has been identified as an "aviation related parcel."

Councilor Chavez asked if the Master Plan includes language limiting the number of FBOs at the airport, and Mr. Montman responded that there is not. He said there are sites for about four FBOs out there for the life of the Master Plan, which is 20 years hence. He commented, "I frankly think that three FBOs is pushing the current demand "

Councilor Wurzburger asked Mr. Montman to elaborate on the statement in the documentation that federal grant assurances could be violated if restrictions are placed on this organization but not others.

Mr. Montman responded a Councilor had posed the question at another meeting as to whether the City could restrict some of the terms in this FBO lease, and his response at that time was that the City could not because the airport has two other FBOs with current leases; and if the terms were restricted in the NMLR lease and not in the others, "we would be doing economic discrimination...and we would be granting exclusive rights to the other leaseholders."

Councilor Chavez asked if there was ever any consideration to do a simple lease for NMLR's operation without the FBO lease, and Mr. Montman responded that there have been underlying discussions about conducting operations, in addition

to their medical operations, from the time they came to Santa Fe. He said this organization's first communications with him indicated a desire for fixed base operations about two or three months ago when they first started working on the lease issue.

Mr. Montman commented that the stress on the residents "is certainly part of it, but at the very first meeting, where Mr. Ashcroft spoke, we discussed the noise potential and the noise issues as a result of them having to go back and forth from the airport as opposed to being stationed on the airport, so that was always on the table as well."

Councilor Chavez stated to Mr. Montman, "If you knew about that two months ago, I think that in fairness and out of respect to both neighborhoods, around the hospital and around the airport, I think as the manager of the airport it might have been in your best interests to take that out to the public instead of them finding out after the fact. This was not discussed until it didn't work at the hospital."

The public hearing was closed.

Councilor Heldmeyer moved for approval with the proviso that all services and sales provided by the lessee will pay gross receipts fee. Councilor Wurzburger seconded the motion.

Councilor Heldmeyer commented to Councilor Chavez, "I think the idea that they were looking at the airport as a base of operations came as much of a surprise to the District 2 Councilors at the meeting with District 2. We'd asked for options; we had no idea this was one. If we had known prior to the meeting that this was one of the options, we certainly would have included people who live around the airport." She said a public meeting held last week might have corrected some of that.

The motion passed 2-1 by voice vote, with Councilor Chavez dissenting.

Request for Approval of a Resolution Adopting an Infrastructure Capital Improvements Plan (CIP) (Councilor Chavez).

Councilor Chavez moved for approval. Councilor Heldmeyer seconded the motion, with the additions put in by the Public Works Committee.

Supporters of the Southside Library project stood and introduced themselves.

The motion passed 3-0 by voice vote.

Request for Approval of a Resolution in Support of the Construction of Old Pecos Trail, Arroyo Chamiso Road to Cordova Road.

- Request Approval of Cooperative Project Agreement with the Α. **New Mexico State Highway and Transportation Department.**
- B. Request for Approval of Budget Increases — Grant Funds and Impact Fee Funds.

Councilor Heldmeyer moved approval of Items A and B. Councilor Chavez seconded the motion, which passed 3-0 by voice vote.

Request for Approval of a Resolution Supporting the Multi-agency and Multi-jurisdictional Santa Fe Area Wildfire Operations Plan (Councilors Lopez, Bushee, Wurzburger, Heldmeyer, Coss, Chavez, and Mayor Larry Delgado)

Councilor Heldmeyer moved for approval. Councilor Wurzburger seconded the motion.

City Wildland Urban Interface Specialist Shelley Nolde introduced herself to the Committee.

The motion passed 3-0 by voice vote.

Request for Approval of Rain Barrel Program:

Α. Request for Approval to Publish Notice of Public Hearing on August 25, 2003, of an Ordinance Creating a New Section 25-2.10 SFCC 1987 Creating a Voucher Program for Water **Conservation Methods Including a Rainwater Harvesting** Barrel Program. (Councilors Pfeffer, Coss).

City Planner Jeanne Price referred to an amendment page in the packet, noting that the City Attorney has recommended that amendment #4 be changed to state:

On page 2, line 19, insert a new item (11) to read: "Purchases and rebates for rainwater harvesting barrels shall comply with city program guidelines as adopted;"

Councilor Wurzburger moved approval of Item A. Councilor Heldmeyer seconded the motion with the following change to amendment #6 on the amendment page:

> 6. On page 2, line 22, insert a new bill section to read as follows: "Section 2. A new Section 25-2.11 SFCC 1987 is ordained to read:

25-2.11 [NEW MATERIAL.] Other Water Conservation Programs. The governing body may adopt other water conservation programs, including but not limited to, rebates or vouchers for water saving devices. Such programs shall be adopted by resolution and shall not exceed funds allocated by the governing body each fiscal year. No water user shall be eligible for both a rebate or a voucher and a retrofit credit for any specific water saving device."

The amendment was accepted as friendly.

The motion, as amended, passed 3-0 by voice vote.

B. Request for Approval of Water Wise Water Conservation Rain Barrel Rebate Program.

Water Wise administrator Maya Martinez reported that the Water Conservation Committee met last week to go over the draft plan she submitted to them. She stated that they have recommended a few changes: 1) a \$30 across-the-board rebate rather than a voucher; 2) change "grid" to "device," so a child-pet safety device would be required to be eligible for the rebate; 3) include on/off spigot on barrels: and 4) include the removable debris screen.

Ms. Martinez said the Water Conservation Committee also recommended that applications be made available to vendors on the City's Web site and at various City offices and buildings. She said the applications would be completed and submitted within three weeks to the Water Conservation Office, which would process the rebate.

Councilor Chavez observed that a warranty on the product is not included, and Ms. Martinez responded that different rain barrels have different warranties, so the Water Conservation Committee did not discuss them. She stated that the application/agreement includes a statement that the customer is solely responsible for purchasing, installation arrangements and payments. She said the agreement also includes a statement that the City does not warrant, endorse or assume liability for the quality or performance of the product.

Councilor Wurzburger moved for approval, with the amendments of the Water Conservation Committee. Councilor Heldmeyer seconded the motion.

Chair Lopez recommended that the public be informed when the program runs low on money.

The motion passed by voice vote, with Councilor Chavez and Councilor Wurzburger voting in favor, and Councilor Heldmeyer abstaining.

Request for Approval to Publish Notice of a Public Hearing on August 25, 2003, for Consideration of an Ordinance Amending Section 25-2.6 SFCC 1987 Regarding Indoor Water Conservation, Increasing the Fines for Failure to Comply with Retrofitting Requirements for Existing Commercial Water Users. (Councilors Ortiz, Bushee and Heldmeyer.)

City planner Jeanne Price requested the following change, a minor clarification on the 60-day period:

> The last sentence of paragraph 9 on page 3 of the bill should read: "After that 60 day period, the water service shall be discontinued following notice as set forth in Exhibit A, Rule 9, paragraph D.3. of this chapter."

Ms. Price said that, based on advice from the City Attorney, she was recommending the following change to paragraph 9 on page 3:

> (9) Existing water users failing to retrofit their facilities by January 1 September 8, 2003 shall be subject to four times the administrative fees....

Ms. Price said this would be the first Monday following the effective date of this ordinance, if it is adopted on August 25.

Councilor Heldmeyer moved for approval, as amended. Councilor Wurzburger seconded the motion, which passed 2-1 by voice vote, with Councilor Chavez dissenting.

OTHER FINANCIAL INFORMATION

Response to a Resolution Directing Staff to Consider Alternatives for Library Services on the South Side of Santa Fe.

Community Facilities manager Martin Valdez stated that, at last week's Public Works Committee meeting, staff presented a list of essential library services for the South Side of Santa Fe along with building space options. He said the options

ranged from building the library as currently designed, to phasing the library, to downsizing the library to create a branch-type library, bringing modular units onto the site and leasing a 5,000 square foot warehouse space to provide library services in a more timely fashion.

Mr. Valdez said staff also offered operating cost estimates for each of the options.

Mr. Valdez said staff also discussed ideas and options with the Public Schools, Zona del Sol, and Santa Fe Rape Crisis, which is in the process of building a facility and would have space to lease in phase two.

Mr. Valdez reported that the Public Works Committee directed staff to pursue the second option, which calls for phasing of the existing design, which would involve constructing about two-thirds of the building and including Technical Services, Young Adults and Periodicals, Meeting/Program Areas 1 & 2, Portal and Reading Terraces and remaining Book Stacks.

Councilor Heldmeyer noted that the Public Works Committee gave conceptual approval only of the phasing in, which may or may not look exactly like Option 2, which calls for two-thirds of the building to be constructed in the first phase. She stated that there was lengthy discussion about how the building would be funded, and some discussion about how the required increase in operations would be paid for. She said Ms. Raveling would be presenting a conceptual overview of other possible sources for CIP monies at the next Public Works Committee meeting.

Councilor Heldmeyer said the other issue, which needs to be grappled with by the Finance Committee, is where the money for operations will come from. She noted that three sources were listed in the Committee packet, but none seems to be sufficient: 1) decreasing expenses elsewhere; 2) tax increases and considering a Property Tax increase; and 3) rate increases elsewhere.

Chair Lopez commented that the money has to be found somewhere — the City doesn't have a choice. She said it might include some new partnerships, for instance, getting some positions funded by outside sources. She said she would like to meet with Ms. Raveling to discuss some possibilities, e.g., an entertainment tax added to the cost of a movie ticket.

Councilor Heldmeyer said she would like a response to her memorandum to the City Attorney, which contained a long list of possible taxes.

Chair Lopez commented that legislative funding is very possible.

Chair Lopez asked Ms. Raveling how much money was in the Water Enterprise Fund, and Ms. Raveling responded that there was about \$10 million in cash balances.

Chair Lopez pointed out that, last year, the Council adopted a resolution stating that the Water Division would have to repay the General Fund the monies that were deferred from CIP to the Water Division to cover deficits. She noted that there is now a surplus of cash balances in the Water Division thanks to a much-improved billing system.

Chair Lopez suggested taking \$2.5 million from the upcoming CIP bond issue, and another \$2.5 million from what the Water Company owes the City in order to construct the library.

Ms. Raveling commented that staff has been trying to set up a study session on the water projects but without success. She noted that the payback is included in the overall finance plan.

Chair Lopez asked if \$5 million was enough to build the library, and Mr. Valdez responded that the phasing plan would cost \$5.9 million, which would include purchase of the books.

Chair Lopez suggested that the remaining \$900,000 be requested from the Legislature.

Councilor Heldmeyer said the discussion at Public Works included approaching the County and asking them to contribute, since the City libraries serve all of Santa Fe County.

Chair Lopez suggested asking the County to fund one or two positions, since this is recurring revenue.

Responding to a request by the Chair, Mr. Valdez stated that staff could work with Community Services to find sources of grant money.

Chair Lopez said she would like to look into hiring a full time grant writer or consultant "to just write grants for freebies for our library," including free computers, books, etc.

Francisco Rivera of the Community Services Department stated that the department has a funded position for a grant analyst. He said he currently has a position vacated by Fred Sandoval (Human Services portion) as well.

Chair Lopez suggested creating a PSA for one or two grant writers. She said she would discuss this with Mr. Rivera.

Mr. Rivera said he would ask staff member Terrie Rodriguez to begin the process of searching for grant programs for libraries.

Chair Lopez noted that LULAC is very interested in the library as well.

Interim Library Services director Susie Sonflieth detailed the grants received by the City for libraries this year.

B. Review of Independent Auditor's Report Lodgers Tax

Ms. Raveling provided a summary of this report, which was in the packet, and which is done annually.

Review of Consultants' Draft Civic Center Feasibility Study C.

Chair Lopez asked CVB director Darlene Griego to discuss what effect Pojoaque Pueblo's plans for a complex might have on a civic center for Santa Fe. She said someone commented to her today that the facility would have enough effect on the civic center that it should be reduced in size.

Councilor Heldmeyer commented that it was apples and oranges. She said she saw the Pojoaque facility as appealing to a very different market, and that it would more likely compete with places like the Tamaya resort.

Ms. Griego said the Pojoaque facility was not necessarily the market that Santa Fe would target, although it would have some impact, but mostly on Cerrillos Road lodging facilities as opposed to downtown lodging. She stated that people going to the Pojoaque facility would probably get reduced room rates to encourage them to stay and play golf and spend money in the casinos — while that might have some impact on Santa Fe, this is not a major portion of Santa Fe's market right now.

Councilor Heldmeyer commented that a more reasonable approach is to target the market Santa Fe wants, and then look at a facility that meets that target. She expressed concern about the Civic Center Task Force's approach, which was different

Following discussion, Chair Lopez, Councilor Heldmeyer and Councilor Wurzburger decided to meet informally with staff to discuss the study and its feasibility.

<u>ADJOURN</u>

Its business completed, the Committee adjourned the meeting at approximately 8:00 p.m.

	Accepted by:
	Councilor Carol Robertson Lopez, Chair
Reviewed by:	
Kathryn Raveling, Finance Director	
Submitted by:	
Judith S. Beatty, Recorder	